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12 Attorneys for Plaintiff
Rambus Inc.

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17 RAMBUS INC.,
18 Plaintiff,
19 v.
20 INTERNATIONAL BUSINESS MACHINES
CORPORATION,
21 Defendant.

CASE NO. C 10-03736 JSW
(Related Case: C 10-04017 JSW)

**STIPULATION RE: CASE SCHEDULE;
SUPPORTING DECLARATION OF TINA
E. HULSE;**
[PROPOSED] ORDER

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Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Rambus Inc. ("Rambus") and Defendant International Business Machines Corporation ("IBM"), through their respective counsel of record, respectfully request, and with the Court's permission, stipulate to a one-week extension of certain dates in the current case schedule. Because the parties' settlement negotiations have not progressed, with the last discussion between the parties being just this past Friday on July 8, 2011, a one-week extension is requested of four upcoming deadlines: three under the Patent Local Rules and one under the Court's Standing Order for Patent Cases. By this extension, the parties do not request modifying the previously-ordered briefing schedule for claim construction or the dates for the Court's technology tutorial or claim construction hearing. More specifically, with the Court's permission, the parties hereby stipulate that the current schedule set forth in the June 15, 2011, Stipulated Order [Dkt. 66] be modified as follows:

EVENT	CURRENT SCHEDULE	PROPOSED DATE
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (Patent L.R. 4-2(a), (b))	July 11, 2011	July 18, 2011
Meet and confer re Joint Claim Construction and Prehearing Statement (Patent L.R. 4-2(c))	July 18, 2011	July 25, 2011
Last day to request leave to designate additional terms for claims construction JSW Standing Order ¶ 4	July 22, 2011	July 29, 2011
Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3) – Includes Expert Testimony. Parties must attach copies of patents, make available file histories to Court for each involved patent	August 5, 2011	August 12, 2011
Completion of Claim Construction Discovery (Patent L.R. 4-3)	September 6, 2011	Same

EVENT	CURRENT SCHEDULE	PROPOSED DATE
Rambus Opening Claim Construction Brief (Patent L.R. 4-5(a)). 25 page limit	September 19, 2011	Same
IBM Responsive Claim Construction Brief (Patent L.R. 4-5(b)). 25 page limit	October 4, 2011	Same
Rambus - Reply Brief and any evidence directly rebutting the supporting evidence (Patent L.R. 4-5(c)). - 15 page limit	October 11, 2011	Same
Amended Joint Claim Construction Statement		
Tutorial for the Court	November 1, 2011	Same
Claim Construction (“Markman”) Hearing (Patent L.R. 4-6).	November 15, 2011	Same

By her signature below, counsel for Plaintiff attests that counsel for Defendant concurs in the filing of this stipulation.

Respectfully submitted,

Date: July 11, 2011

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/ Tina E. Hulse

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13 Attorneys for Plaintiff,
14 Rambus Inc.

15 Dated: July 11, 2011

16 By: /s/ Edward A. Kmett

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23 Attorneys for Defendant,
24 International Business Machines Corporation

SUPPORTING DECLARATION OF TINA E. HULSE

I, TINA E. HULSE, declare as follows:

1. I am an associate at Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel for Plaintiff Rambus Inc. (“Rambus”). I submit this declaration in support of the parties’ Stipulation Regarding Case Schedule. I make this declaration of my own personal knowledge and will competently testify thereto if called upon to do so.

2. On April 15, 2011, May 12, 2011, and June 15, 2011, the Court entered Stipulated Orders [Dkt. Nos. 60, 62, and 66], which set forth the claim construction briefing schedule for this action. The June 15, 2011, Stipulated Order [Dkt. 66] also set the technology tutorial for November 1, 2011, at 1:30 p.m. and the *Markman* Hearing for November 15, 2011, at 1:30 p.m.

3. Although the parties had reached a settlement in principle, negotiations have not progressed and the parties are at a standstill. The last discussion between the parties was on Friday, July 8, 2011, at which time the parties agreed to proceed with the case.

4. Under the current schedule, the deadline for the parties to exchange claim constructions and extrinsic evidence is on Monday, July 11. Given this and other requirements of the Patent Local Rules upcoming shortly, the parties seek a continuance of four dates in the case schedule for one week. Three of these dates are under the Patent Local Rules, and one is under the Court's Standing Order for Patent Cases.

5. The Court previously granted the Stipulated Orders to permit settlement discussions. Otherwise, the only time modification in this case was to change the Case Management Conference from December 3, 2010, to January 14, 2011, to coincide with the hearing on Rambus's motion to dismiss in related case, *International Business Machines Corp. v. Rambus Inc.*, No. C 10-04017 JSW. See Dkt. 48.

6. The requested modification in the current case schedule will not affect any other pre-trial deadlines, such as the previously-ordered briefing schedule for claim construction or the dates for the technology tutorial or claim construction hearing, and as the pre-trial schedule has not yet been entered in this case.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct, and this declaration was executed this 11th day of July, 2011.

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4 /s/ Tina E. Hulse
5 Tina E. Hulse
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1 [PROPOSED] ORDER
2 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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4 Dated: July 12, 2011
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Jeffrey S. White
The Honorable Jeffrey S. White
United States District Judge
Northern District of California

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